

#261 Ref for
Refund
01-27-03

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October 23, 2002

Commissioner of Patents and Trademarks
Deposit Accounts
Box 16
Washington, DC 20231

Re: Request for Refund to Deposit Account 20-0531.

Sir:

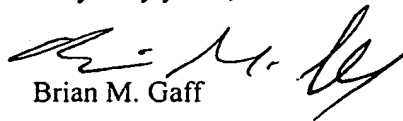
This firm's above-referenced deposit account was incorrectly charged \$520.00 (the difference between a two-month and a three-month extension of time) in connection with our prosecution of U.S. patent application serial number 09/328,749 (our docket number ADI-005). We request that the U.S. Patent Office credit this \$520.00 to our deposit account.

The specifics of this incorrect charge are as follows. We filed an Amendment and Response to a 6-Dec-01 final Office Action on 6-Feb-02. A subsequent Advisory Action was mailed on 11-Mar-02. Therefore, per MPEP §706.07(f), the shortened statutory period for replying to the final Office Action expired on 11-Mar-02. We then filed a Request for Continued Examination ("RCE") on 8-May-02, accompanied by a Petition for a Two-Month Extension of Time and fee. Consequently, the RCE was timely filed with the Two-Month Extension. Nevertheless, in his 19-Jul-02 Office Action, the Examiner (A. Stashick), noted that "an additional one month extension has been charged to the [deposit] account" because the last submission (the RCE) was filed on 8-May-02 instead of 6-May-02.

We believe that the Examiner is mistaken and that the Two-Month extension was sufficient to allow filing of the RCE on any date up to and including Monday, 13-May-02. No further extension of time was needed beyond the two months requested and paid for. We have mentioned this to the Examiner in the Amendment and Response that we filed today in this case, and we have requested his assistance in facilitating the credit to our deposit account.

Please process this request for a refund as soon as possible, and confirm to me when this has been done. Do not hesitate to call if you have any questions.

Very truly yours,


Brian M. Gaff

cc: Ann Marie DiFronzo

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